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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEJANDRO SANCHEZ, ET AL.,

Plaintiffs,

v.

OCEANSIDE INVESTMENTS, INC., et al.,

Defendants.

Case No. [15-cv-03453-MEJ](#)

CONDITIONAL DISMISSAL

Cross-Complainant Gable Jackson Payne and Cross-Defendants Alejandro Sanchez and Juan Sanchez settled this matter on November 14, 2017. Dkt. No. 84. The parties have not filed a stipulation for dismissal. *See* Docket; Dkt. No. 86 (order for parties to file stipulation for dismissal by February 1, 2018). Counsel for Cross-Defendants represents he spoke with Mr. Payne on January 23, 2018, and that Mr. Payne “reiterated that he still agreed to have the case dismissed without prejudice.” Status Report at 2, Dkt. No. 93. Counsel further represents Mr. Payne has not responded to counsel’s emails regarding the filing of a stipulation of dismissal. *Id.*; *see id.*, Exs. 1-2.

In light of the foregoing, the Court **ORDERS** this case be **DISMISSED WITHOUT PREJUDICE**. If any party certifies to this Court, within 90 days, with proof of service thereof, that the agreed consideration for the settlement has not been delivered, this order of conditional dismissal shall be vacated and this case shall be restored to the calendar to be set for trial. If no certification is filed within 90 days, the dismissal shall be **with** prejudice.

IT IS SO ORDERED.

Dated: February 2, 2018


MARIA-ELENA JAMES
United States Magistrate Judge